

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 11, 1998**

**DIVISION ONE**

B107891     People  
              v.  
              Villalobos

Filed order granting petition for rehearing.

B103649     Los Angeles County, D.C.S.  
              v.  
              Dan E.A.  
              Jill G.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

**DIVISION TWO**

B110887     People                                 (Not for Publication)  
              v.  
              Enrique Jorge Morales

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

DIVISION TWO (Continued)

B101573      Comedy III Productions, Inc.                      (Not for Publication)

v.

Jane Howard Hanky et al.

The judgment is affirmed. Each side to bear their own costs on appeal.

Nott, J.

We concur:    Boren, P.J.  
                     Zebrowski, J.

B105901      Nationwide Business Telephones                      (Not for Publication)

v.

Pacific Bell et al.

The judgment is affirmed.

Nott, J.

We concur:    Fukuto, Acting P.J.  
                     Zebrowski, J.

B109049      Young Women's Christian Association etc.                      (Not for Publication)

v.

Allianz Insurance Company

The judgment is affirmed.

Nott, J.

We concur:    Boren, P.J.  
                     Fukuto, J.

DIVISION THREE

B104506      Cleveland Electric Company                      (Not for Publication)  
                 v.  
                 Harold N. Ritter Insurance, Inc.

The judgment is reversed and the cause is remanded with directions for the trial court to enter an order granting summary adjudication in favor of respondent Harold N. Ritter Insurance, Inc. as to the causes of action for reformation and breach of fiduciary duty, and to vacate the order granting summary judgment as to the negligence cause of action and to reinstate and conduct further proceedings on plaintiff's negligence cause of action. Parties to bear their own costs on appeal.

Kitching, J.

We concur:    Croskey, Acting P.J.  
                 Aldrich, J.

B101626      Eugene L. Fisher    (Not for Publication)  
                 v.  
                 Southern Coast Air Quality Management District, a public entity, et al.

Judgment affirmed. Respondents are awarded costs on appeal.

Aldrich, J.

We concur:    Croskey, Acting P.J.  
                 Kitching, J.

B104179      People    (Not for Publication)  
B108529      v.  
                 Prieto

The judgment is affirmed.  
The petition for writ of habeas corpus is denied.

Aldrich, J.

We concur:    Croskey, Acting P.J.  
                 Kitching, J.

DIVISION FOUR

B107832      4454 Ventura Canyon Homeowners Association      (Not for  
Publication)

v.  
Truck Insurance Exchange

The trial court's order denying the Petition to Compel Appraisal is reversed only with respect to the Association's claims for \$46,669.13, submitted after the July 20, 1995 meeting. In all other respects it is affirmed. The remainder of the Association's action may proceed. Each party to bear their own costs.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                  Baron, J.

B109501      People      (Not for Publication)

v.  
Nelson

The judgment is affirmed.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                  Baron, J.

B108283      People      (Not for Publication)

v.  
Brown

The judgment is affirmed.

Hastings, J.

We concur:    Vogel (C.S.), P.J.  
                  Epstein, J.

DIVISION FOUR (Continued)

B108121 People (Not for Publication)  
v.  
Brown

For the foregoing reasons, we strike the finding of the trial court that appellant was convicted of a serious or violent felony in 1992 in case number BA057531, strike the five-year enhancement to count two, and in all other respects, affirm the judgment.

Epstein, Acting P.J.

We concur: Hastings, J.  
Baron, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B109973 People v. Grinker  
B110975 People v. Frank Martinez  
B110335 People v. Noe Rivera  
B110282 DCS v. Marguerite B.  
B117438 In re Brandon S.  
B117519 S., Elidia v. S.C.L.A. (DCFS)

Argument waived, cause submitted.

B110270      The People  
v.  
Priscilla Mitchell

Merits:  
Argued by Carol Boyk for appellant and by Susan C. Diamond for respondent. Cause submitted.

DIVISION FIVE (Continued)

B112633     Eugenia Aguilar  
               v.  
               Remo, Inc. et al.

Merits:

Argued by Irving Meyer for appellant and by Larry F. Gitlin for respondent.  
Cause submitted.

Court recessed.

The Court reconvened at 10:00 a.m.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

B107993 People v. Everardo Arellano & Fernando Arellano

Argument waived, cause submitted.

B112982     Barry Young et al.  
               v.  
               Jim Callahan et al.

Merits:

Argued by John Carlson for appellants and by Samuel Muir for respondents. Cause submitted.

B104343     Carion E. Deville  
               v.  
               City of Compton

Merits:

Argued by Wilmont A. Odom for appellant and by Lawrence E. Heller for respondent. Cause submitted.

DIVISION FIVE (Continued)

B112391      Rip Torn  
                 v.  
                 Dennis Hopper

Merits:

Argued by Robert M. Dudnik for appellant and by Robert S. Chapman for respondent. Cause submitted.

Court recessed.

The Court reconvened at 11:00 a.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B108292 People v. Gaye  
B110657 People v. Oscar L.  
B114857 People v. William Hardeman  
B107739 People v. Kats  
B111813 People v. Brenda A.

Argument waived, cause submitted.

B108055      The People  
                 v.  
                 Sandro Santos

Merits:

Argued by Mark D. Greenberg for appellant and by Chung L. Mar, Deputy Attorney General for respondent. Cause submitted.

DIVISION FIVE (Continued)

B102331      The People  
                 v.  
                 Anthony Lopez Biloa and Carlos Flores

Merits:  
Argued by Dale K. Galipo for appellant Biloa and by David Andrew Eldridge, Deputy Attorney General for respondent. Appellant Flores waived argument, cause submitted.

Court recessed.

The Court reconvened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

B112573 Monroe v. Albertson's Markets

Argument waived, cause submitted.

B099455      Ignatius O. Nweke  
                 v.  
                 Allstate Insurance Company

Merits:  
Argued by Monday U. Abengowe for appellant and by Scott J. Vida for respondent. Cause submitted.

B105348      Henry A. Lezine  
                 v.  
                 Chicago Title Ins. Co.

Appearances:  
M. Michele Lines for respondent and no appearance for appellant.  
Argument waived, cause submitted.



DIVISION FIVE (Continued)

B102997 Dorothy Shea

v.

Imperial Thrift and Loan Assn.

Merits:

Argued by Bruce L. Gelb for appellant and by Samy Henein for respondent.  
Cause submitted.

B111795 Lloyd Bell

v.

FHP Medical Center

Appearances:

Rebecca L. Smith, Brian P. Barrow and Kevin P. Hillyer for respondent and  
by no appearance for appellant. Argument waived, cause submitted.

Court adjourned.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., and G. Bents, Deputy Clerk.

Each of the following:

B110998 Marriage of Brixey

B117951 Jennifer v. San Luis Obispo Co. Superior Court

Argument waived, cause submitted.

DIVISION SIX (Continued)

B110311     Huneycutt  
              v.  
              Chammout

Merits:  
Argued by John F. Hodges for appellant and by Douglas Hilton for  
respondent. Cause submitted.

B111760     Barrette  
              v.  
              Little

Merits:  
Argued by Jack Hindmarsh for appellant and by Patricia Gomez for  
respondent. Cause submitted.

B111369     Carranza  
              v.  
              Chubb & Son

Merits:  
Argued by John Kenneth Dorwin for appellant and by Stephen L. Newton  
for respondent. Cause submitted.

B108932     Marriage  
              of  
              Sheaks

Merits:  
Argued by Susan H. Ratzkin for appellant and by Edward T. Buckle for  
respondent. Cause submitted.

DIVISION SIX (Continued)

B112344 Gallegos  
v.  
Gallegos

Merits:

Argued by David L. McDuffie for appellant and by Stanley J. Yates for respondent. Cause submitted.

B108090 Ghitterman  
v.  
Gelfand

Merits:

Argued by Richard Ross for appellant and by Stewart M. Holden for respondent. Cause submitted.

B111335 Veterans of Foreign Wars  
v.  
City of El Paso De Robles

Merits:

Argued by Paul M. Posner for appellant and by Iris P. Yang for respondent. Cause submitted.

Court recessed at 10:45 A.M.

Court reconvened at 1:30 P.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

DIVISION SIX (Continued)

Each of the following:

B107620 People v. McLaurin  
B111740 People v. Hendrix  
B111842 People v. Pekrul  
B112096 People v. Pacheco  
B112239 People v. Houk  
B113817 People v. Maurice A.  
B114304 People v. Lee  
B118024 Paul L. v. Santa Barbara Co. Superior Court

Argument waived, cause submitted.

B110845     People  
              v.  
              Brady

Appearances:

Janet Vining Mitchell for appellant and by April Sylvester, Deputy Attorney General, for respondent. Argument waived, cause submitted.

B112060     People  
              v.  
              Plata

Merits:

Argued by Jerry D. Whatley for appellant and by Susan C. Diamond, Deputy Attorney General, for respondent. Cause submitted.

B108752     People  
              v.  
              Gutierrez

Merits:

Argued by Laini Millar Melnick for appellant and by Deborah Bigbee Sturrock, Deputy Attorney General, for respondent. Cause submitted.

DIVISION SIX (Continued)

B110204     People  
              v.  
              Salazar

Merits:

Argued by Gerald Serlin for appellant and by April Sylvester, Deputy Attorney General, for respondent. Cause submitted.

B111973     People  
              v.  
              DiSimone

Merits:

Argued by Paul M. Posner for appellant and by Deborah Bigbee Sturrock, Deputy Attorney General, for respondent. Cause submitted.

B112771     People  
              v.  
              McElwain

Merits:

Argued by Leonard J. Klaif for appellant and by Deborah J. Chuang, Deputy Attorney General, for respondent. Cause submitted.

B112758     People  
              v.  
              Ortega

Merits:

Argued by Barbara A. Landan for appellant and by Deborah J. Chuang, Deputy Attorney General, for respondent. Cause submitted.

DIVISION SIX (Continued)

B107896     People  
              v.  
              Villa

Merits:

Argued by Michael B. Dashjian for appellant and by Susan C. Diamond, Deputy Attorney General, for respondent. Cause submitted.

Stone, P.J. leaves the bench.

B106060     People  
              v.  
              Kirkpatrick

Merits:

Argued by Michael S. Evans for appellant and by April Sylvester, Deputy Attorney General, for respondent. Cause submitted.

Court adjourned at 3:35 P.M.

DIVISION SEVEN

B112582     Henry Mayo Newhall Memorial Hospital                    (Not for Publication)  
              v.  
              Belshe

The order of the superior court denying Hospital's petition for writ of mandate is affirmed. Respondent to recover costs on appeal.

Johnson, J.

We concur: Lillie, P.J.  
              Neal, J.

February 11, 1998-Continued

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.

B111257 People (Not for Publication)  
v.  
Castro

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.  
Neal, J.

## DIVISION SEVEN (Continued)

B112798      People                      (Not for Publication)  
v.  
Newhouse

The judgment is affirmed. The court shall cause the abstract of judgment to be amended in conformity with the views stated herein and send the amended copy of the abstract of judgment to the California Department of Corrections.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.

B116056      Action Apartment Association  
v.  
Santa Monica Rent Control Board

B117325      Action Apartment Association  
v.  
Santa Monica Rent Control Board

Filed order consolidating above captioned appeals under appeal number B116056.

[illegible]

The order under review is affirmed.

Woods, J.

We concur:   Lillie, P.J.  
                      Johnson, J.



## February 11, 1998-Continued

## DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

B107836 People (Not for Publication)  
v.  
Meloncon

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.  
Neal, J.

B108177 People (Certified for Partial Publication)  
v.  
Teal

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

February 11, 1998-Continued

## DIVISION SEVEN (Continued)

B098659      Amega      (Not for Publication)  
v.  
Amega

The order is affirmed. Respondent to recover costs on appeal.

Woods, J.

We concur: Lillie, P.J.  
Neal, J.

B099432      Montgomery      (Not for Publication)  
v.  
Culver City Municipal Bus Lines

The judgment of the Superior Court is affirmed. Respondent to recover its cost on appeal.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.